

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
TERRE HAUTE DIVISION

MICHAEL N. BRYANT,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 2:19-cv-00069-JPH-DLP
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**Order Appointing Counsel and Directing Further Development of  
Motion for Relief Pursuant to 28 U.S.C. § 2255**

Michael N. Bryant seeks relief from his sentence pursuant to 28 U.S.C. § 2255 arguing that his Sixth Amendment rights were violated because he was appointed new counsel that had a conflict of interest and because counsel failed to argue that he did not have sufficient prior convictions to support the enhancement of his sentence under the Armed Career Criminal Act (ACCA), 18 U.S.C. § 924(e). He also seeks the appointment of counsel. Dkt. 1 at p. 17. The United States responded and Bryant replied.

After the briefing in this action was complete, the Seventh Circuit issued *United States v. De La Torre*, 940 F.3d 948, 952 (7th Cir. 2019). This opinion calls into question the United States' reliance on Bryant's 2000 Indiana conviction for dealing methamphetamine to establish that he qualified for an enhanced sentence under § 924(e).

Under these circumstances, the interests of justice require the appointment of counsel to assist with further briefing and the resolution of this issue. 18 U.S.C. § 3006A(a)(2)(B). Accordingly, the Court appoints the Office of the Indiana Federal Community Defenders to represent Defendant in his pending motion pursuant to 28 U.S.C. § 2255. The Indiana Federal

Defender's Office shall file an appearance within 7 days of the date of this Order. Should the Indiana Federal Community Defender be unable to represent Defendant Bryant, substitute Criminal Justice Act (CJA) counsel may appear on Defendant's behalf.

The United States shall have **through November 1, 2020**, in which to file a supplement that addresses *De La Torre*. Defendant, by counsel, shall then have twenty-eight days to file a response.

**SO ORDERED.**

Date: 9/22/2020



James Patrick Hanlon  
United States District Judge  
Southern District of Indiana

Distribution:

MICHAEL N. BRYANT  
15820-028  
MANCHESTER - FCI  
MANCHESTER FEDERAL CORRECTIONAL INSTITUTION  
Inmate Mail/Parcels  
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